

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NICHOLAS DANZA, individually
and on behalf of defined
contribution plans that used
Defendants as their qualified
domestic relations order
service provider and all
similarly situated
beneficiaries of such ERISA-
covered employee benefit
plans,

Plaintiffs,

v.

FIDELITY MANAGEMENT TRUST
COMPANY and FIDELITY
INVESTMENTS INSTITUTIONAL
OPERATIONS COMPANY,

Defendants.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 11-2893
(JEI/KMW)

**ORDER GRANTING MOTION TO
DISMISS (Dkt. No. 18)**

APPEARANCES:

SZAFERMAN, LAKIND, BLUMSTEIN, BLADER & LEHMANN, PC
Arnold Carl Lakind, Mark A. Fisher and Robert Lawrence Lakind
Quakerbridge Executive Center
101 Grovers Mill Road
Suite 200
Lawrenceville, NJ 08648

and
LEVY PHILLIPS KONINGSBERG
Danielle Disporto and Moshe Maimon
101 Grovers Mill Road
Suite 200
Lawrenceville, NJ 08648
Counsel for Plaintiffs

GRAHAM CURTIN, PA
Thomas Curtin and George C. Jones
4 Headquarters Plaza
PO Box 1991

Morristown, NJ 07962
Counsel for Defendants

IRENAS, Senior District Judge:

This matter having appeared before the Court upon Defendants' Motion to Dismiss (Dkt. Nos. 18); the Court having reviewed the parties' submissions; the Court having held oral argument on August 10, 2012; and for good cause appearing;

IT IS on this 20th day of August, 2012,

ORDERED THAT:

- (1) Defendant's Motion to Dismiss is hereby **GRANTED**.
- (2) Plaintiff is hereby granted leave to file a motion to amend the Complaint within 30 days. If Plaintiff chooses to file such a motion, he shall annex a copy of the proposed amendment thereto.
- (3) The Clerk of Court is directed to close this file.

_____/s/ Joseph E. Irenas

JOSEPH E. IRENAS, S.U.S.D.J.